

REMARKS

Reconsideration of this application is respectfully requested. Claims 1, 8, 15, 20, 24 and 27 have been amended. The amendments are supported by specification as filed, for example at Abstract, ¶ 0023, 0024 and 0042. No new matter is added.

The rejection of claims 24-27 under 35 USC 101 is moot in view of the foregoing amendments to the specification.

All of the present claims are patentable over Marler et al. (US Patent Application 2001/0003212) and are further patentable over Mao et al. (US 6,459,427) even when considered in combination with Merler or Zdepski et al. (US 6,006,256).

The amendments to the claims clarify the distinction between rules which govern the integration of interactive content with an unmodified video data stream comprised of TV broadcast content, as claimed, and “triggers” which synchronize the presentation of enhanced content with TV content for display, as described by the cited references. Consider, for example, the systems discussed by Marler. Using ATVEF specification-compliant techniques, *see* Marler at ¶ 0003, enhancement data is added to a TV transmission. The enhancement data includes an ATVEF announcement, a resource and a trigger. That is, the trigger discussed by Marler is itself a component of the enhancement data that is added to the TV content and which is used at the presentation end to coordinate the display of the resources (i.e., the files included in the enhancement data) and the TV content. Marler at ¶¶ 0021, 0038.

Absent from Marler’s discussion is any teaching or suggestion of automatically integrating interactive content with the TV content in response to business or personalization rules, as claimed. For example, although Marler does describe how a content creator combines enhancement data (including ATVEF triggers) and television content, *see* Marler at ¶ 0013, there

is no suggestion that this is done in response to business or personalization rules. Certainly the ATVEF triggers themselves do not instigate the integration as the ATVEF triggers are used to synchronize the TV content and the enhancement data during content presentation. Marler ¶ 0021, 0038. Triggering of enhanced television action should not be confused with initiation of automatic integration of interactive content with an unmodified video data stream, as presently claimed. Even if, for argument sake, the synchronization of enhancement data with TV transmission is considered to be equivalent to presently claimed integration of interactive content in video data stream, the integration is not happening in an unmodified video data stream as the video stream was already enhanced before the event was triggered.

Thus, the present claims are patentable over Marler.

The Office Action already concedes that Mao neither teaches nor suggests creating integrated video data stream by integrating interactive content with a video data stream in response to triggers but proposes combining the teachings of Marler to cure this deficiency. However, adding Marler's teachings regarding the use of ATVEF triggers to synchronize the presentation of enhanced content and TV content does not produce the present invention, for at least the reasons set forth above. Hence, the claims are patentable over the combination of Mao and Marler.

The Office action also proposes the combination of Moa and Zdepski, this time relying on Zdepski to teach the integration of TV content and interactive content in response to triggers. Zdepski does discuss the use of triggers in connection with a mechanism to add interactive programming to a television signal prior to broadcasting. In Zdepski, triggers are included in the VBI of a television signal, and upon recognizing a trigger interactive content is added to the television signal and the combination is broadcast to end users.

It is apparent then that the integration of the interactive content and the TV content described by Zdepski is not based on business or personalization rules, as presently claimed. First, the inclusion of the trigger within the VBI of the TV signal was not based on any business or personalization rules, and second the integration of the interactive content and the televisions

signal was based on the trigger, not business or personalization rules. Moreover, the use of extracted triggers to load or play the interactive program, and insert it into the TV signal is not making use of an unmodified video data stream, as claimed, but instead is using a modified video data stream (notably, one which has triggers included in the VBI).

Consequently, adding the teaching of Zdepski to those of Mao fails to yield the presently claimed invention.

For at least the foregoing reasons, the present claims are patentable over the cited references, whether considered alone or in combination with one another as proposed in the Office Action. If there are any additional fees due in connection with this communication, please charge our deposit account 19-3140

Respectfully submitted,

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